

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

Case No. \_\_\_\_\_

THE CITY OF BARBERTON; THE  
VILLAGE OF BOSTON HEIGHTS;  
BOSTON TOWNSHIP; THE VILLAGE OF  
CLINTON; COPLEY TOWNSHIP;  
COVENTRY TOWNSHIP; THE CITY OF  
CUYAHOGA FALLS; THE CITY OF  
FAIRLAWN; THE CITY OF GREEN; THE  
VILLAGE OF LAKEMORE; THE VILLAGE  
OF MOGADORE; THE CITY OF MUNROE  
FALLS; THE CITY OF NEW FRANKLIN;  
THE CITY OF NORTON; THE VILLAGE  
OF PENINSULA; THE VILLAGE OF  
RICHFIELD; THE VILLAGE OF SILVER  
LAKE; SPRINGFIELD TOWNSHIP; THE  
CITY OF STOW; THE CITY OF  
TALLMADGE; SUMMIT COUNTY PUBLIC  
HEALTH; VALLEY FIRE DISTRICT;  
STATE OF OHIO EX REL., THE  
DIRECTOR OF LAW FOR THE CITY OF  
BARBERTON, LISA MILLER, THE  
DIRECTOR OF LAW FOR THE CITY OF  
TALLMADGE, MEGAN RABER; THE LAW  
DIRECTOR FOR THE CITY OF  
CUYAHOGA FALLS, RUSS BALTHIS, THE  
LAW DIRECTOR FOR THE CITY OF  
FAIRLAWN, BRYAN NACE, THE LAW  
DIRECTOR FOR THE CITY OF GREEN,  
INTERIM LAW DIRECTOR BILL CHRIS,  
THE LAW DIRECTOR FOR THE CITY OF  
MOGADORE, MARSHAL M. PITCHFORD,  
THE LAW DIRECTOR FOR THE CITY OF  
MUNROE FALLS, TOM KOSTOFF, THE  
LAW DIRECTOR FOR THE CITY OF NEW  
FRANKLIN, THOMAS MUSARRA, THE  
LAW DIRECTOR FOR THE CITY OF

**MDL No. 2804**

**Case No. 1:17-md-2804**

**Judge Dan Aaron Polster**

**PLAINTIFFS' MOTION FOR LEAVE TO  
FILE COMPLAINT UNDER SEAL**

NORTON, JUSTIN MARKEY; THE LAW DIRECTOR FOR THE CITY OF STOW, AMBER ZIBRITOSKY; THE VILLAGE SOLICITOR FOR THE VILLAGE OF BOSTON HEIGHTS, MARSHAL PITCHFORD), THE SOLICITOR FOR BOSTON TOWNSHIP, ED PULLEKINS), SOLICITOR FOR THE VILLAGE OF CLINTON, MARSHAL PITCHFORD, THE LAW SOLICITOR FOR COPLEY TOWNSHIP, IRV SUGARMAN, THE LAW SOLICITOR FOR COVENTRY TOWNSHIP, IRV SUGARMAN, THE LAW SOLICITOR FOR THE VILLAGE OF LAKEMORE, IRV SUGARMAN, THE SOLICITOR FOR THE VILLAGE OF PENINSULA, BRAD BRYAN, THE LAW SOLICITOR FOR THE VILLAGE OF RICHFIELD, WILLIAM HANNA, THE SOLICITOR THE VILLAGE OF SILVER LAKE, BOB HEYDORN, AND THE ADMINISTRATOR & LEGAL COUNSEL FOR SPRINGFIELD TOWNSHIP, WARREN PRICE.

Plaintiffs,

vs.

PURDUE PHARMA, L.P.; PURDUE PHARMA, INC.; THE PURDUE FREDERICK COMPANY, INC.; ENDO HEALTH SOLUTIONS INC.; ENDO PHARMACEUTICALS, INC.; PAR PHARMACEUTICAL, INC.; PAR PHARMACEUTICAL COMPANIES, INC. F/K/A PAR PHARMACEUTICAL HOLDINGS, INC.; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; / JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JOHNSON & JOHNSON; NORAMCO, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD.; TEVA PHARMACEUTICALS USA, INC.;

CEPHALON, INC.; ALLERGAN PLC F/K/A  
ACTAVIS PLC; ALLERGAN FINANCE  
LLC, F/K/A/ ACTAVIS, INC., F/K/A  
WATSON PHARMACEUTICALS, INC.;  
WATSON LABORATORIES, INC.;  
ACTAVIS LLC; ACTAVIS PHARMA, INC.  
F/K/A WATSON PHARMA, INC; INSYS  
THERAPEUTICS, INC., MALLINCKRODT  
PLC; MALLINCKRODT LLC; SPECGX  
LLC, AMERISOURCEBERGEN DRUG  
CORPORATION; ANDA, INC.; CARDINAL  
HEALTH, INC.; CVS INDIANA, LLC; CVS  
RX SERVICES, INC.; DISCOUNT DRUG  
MART, INC.; HBC SERVICE COMPANY;  
HENRY SCHEIN, INC.; HENRY SCHEIN  
MEDICAL SYSTEMS, INC.; MCKESSON  
CORPORATION; MIAMI-LUKEN, INC.;  
PRESCRIPTION SUPPLY, INC.; RITE AID  
CORPORATION.; RITE AID OF  
MARYLAND, INC.; D/B/A RITE-AID MID-  
ATLANTIC CUSTOMER SUPPORT  
CENTER, INC; WALGREENS BOOTS  
ALLIANCE, INC. A/K/A WALGREEN CO.,  
AND WALMART INC. F/K/A WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Local Rule 5.2, Plaintiffs the City of Barberton, the Village of Boston Heights, Boston Township, the Village of Clinton, Copley Township, Coventry Township, the City of Cuyahoga Falls, the City of Fairlawn, the City of Green, the Village of Lakemore, the Village of Mogadore, the City of Munroe Falls, the City of New Franklin, the City of Norton, the Village of Peninsula, the Village of Richfield, the Village of Silver Lake, Springfield Township, the City of Stow; the City of Tallmadge, Summit County Public Health, and Valley Fire District (collectively, “Plaintiffs”) seek leave to file their severed Complaint in the above-listed case under seal. Plaintiffs were parties to the action captioned *The County of Summit, Ohio, et al. v. Purdue Pharma L.P., et al.*, Case No. 18-op-45090 (N.D. Ohio) until the Court, on May 31, 2018, entered an Order

granting a motion for voluntary dismissal of their claims, without prejudice and with leave to refile a separate complaint within 30 days, which complaint shall relate back for all purposes to the date of the original filing of the above-captioned action. *See* Order Granting Motion of Certain Plaintiffs for Voluntary Dismissal Without Prejudice, *In re: National Prescription Opiate Litig.*, Case No. 1:17-MD-2804, Rec. Doc. 538 (DAP) (N.D. Ohio). The Court's Order directed that:

The Moving Plaintiffs shall be severed from this action and upon severance, deemed dismissed without prejudice from the above-captioned case. The Moving Plaintiffs shall have thirty (30) days from the date of this Order to file a new complaint, which complaint shall relate back, for all purposes, to the date of the original complaint in the above-captioned action.

*Id.*

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents." Loc. R. 5.2.

The complaint to which Plaintiffs' severed complaint will relate back contains information that is subject to Protective and Confidentiality Orders, including:

- 1) the Protective Order Re: DEA's ARCOS/DADS Database, Rec. Doc. 167 (hereinafter "ARCOS Protective Order"); and
- 2) the Amended Agreed Confidentiality Order, filed in *City of Chicago v. Purdue Pharma L.P.*, Case No. 14-CV-04361, ECF Doc. 487 (N.D. Ill.) (hereinafter "City of Chicago Confidentiality Order").

Accordingly, on April 25, 2018, the Court granted all plaintiffs in *The County of Summit, Ohio, et al. v. Purdue Pharma L.P., et al.*, Case No. 18-op-45090 (N.D. Ohio), as well as plaintiffs in six other actions, leave to file their Amended Complaints under seal. *See* Order Granting Plaintiffs' Motion to Strike and Amended Motion for Leave to File Amended Complaints Under Seal, Rec. Doc. 262. On May 18, 2018, the Court also granted all plaintiffs in the *Summit County et al.* action

leave to file their Second Amended Complaints under seal. Plaintiffs' severed complaint will contain information included in complaints filed under seal pursuant to these orders, as well as CMO 2. *See* Order Granting Plaintiffs' Motion to File Amended Complaints Under Seal, Rec. Doc. 471.

Plaintiffs respectfully request the option to proceed in this manner so there are no inadvertent disclosures of information subject to Protective Orders.

WHEREFORE, Plaintiffs respectfully request the Honorable Court to grant Plaintiffs' Motion for Leave to File Amended Complaint Under Seal.

Dated June 29, 2018

Respectfully submitted,

/s/ Linda Singer

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of June 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/ Linda Singer

Linda Singer  
*Attorney for Plaintiffs*